

**PROJECT NO.** 03-260-(2)

**CASE NO.** CONDITIONAL USE PERMIT 03-260-(2)

**ENTITLEMENT REQUESTED**

The applicant requests a conditional use permit to authorize the sale of beer and wine for off-site consumption at an existing mini-mart and gas station. The existing gas station and minimart operate 24 hours a day, seven days a week. The applicant is requesting to sell beer and wine from 6 a.m. to 2 a.m., daily.

**DESCRIPTION OF SUBJECT PROPERTY**

**Location**

The subject property is located at 1358 E. Firestone Blvd., Los Angeles in the Compton-Florence Zoned District.

**Physical Features**

The subject site is level, rectangular and 12,500 sq. ft. in size and takes access from Firestone Blvd.

**EXISTING ZONING**

**Subject Property**

Zoning on the subject property is C-3 (Unlimited Commercial).

**Surrounding Properties**

Surrounding zoning consists of the following:

North – C-3 and R-3 (Limited Multiple Residences)

South – R-2 (Two Family Residences)

East and West – C-3, R-3, and R-2

**EXISTING LAND USES**

**Subject Property**

The subject property is currently occupied by a gas station and mini-mart.

**Surrounding Properties**

Surrounding land uses include the following:

North – Elementary school, auto repair, barber, beauty salon, junior high school

South – Residential

East – Single-family residences, churches, junior high school

West – Retail, market, church, elementary school, residential

**PREVIOUS CASES/ZONING HISTORY**

There are no previous zoning cases on the subject property.

**GENERAL PLAN**

**Land Use Policy Map**

The project site is classified as Major Commercial under Los Angeles County General Plan. Typical use patterns include central business districts, regional office complexes, major shopping malls and centers, major commercial recreational facilities and a range of mixed

commercial retail and service activities.

The subject mini-mart and gas station is consistent with the General Plan land use designation.

## **SITE PLAN**

### **General Description**

The site plan depicts an existing 2,670 sq. ft. canopy covering four gas pumps in the northern half of the property. Two additional diesel pumps are in the southeast corner of the property. Access to the property is via Firestone Blvd. and Mary Ave. The existing one-story, 315 sq. ft. minimart is in the middle of the southern half of the property. There is an alleyway behind the minimart building. Three parking spaces are provided in the southwest corner of the property.

The floor plan shows shelving for merchandise all around the walls of the small building. Total linear footage shelving is 41.75 feet and 2 feet will be devoted to beer and wine sales.

### **Compliance with Applicable Zoning Standards**

C-3 Zone. Per Section 22.28.210 of the current County Code (Zoning Ordinance), in the C-3 zone, a conditional use permit is required for the sale of beer and wine concurrent with the sale of motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.

The development standards for the C-3 Zone require the following:

- Not more than 90 percent of the net area is occupied by buildings.

Only 2,985 sq. ft. is occupied by the existing canopy and minimart building (about 24%). The applicant's site plan complies with this requirement.

- A minimum of 10 percent of the net area is landscaped with a lawn, shrubbery, flowers and/or trees.

There is no existing landscaping on the property. Based on building permits, the service station and accessory building had been established at least by 1945. Therefore, the service station and accessory building are legally non-conforming with regards to the landscaping requirements.

However, because the applicant is requiring a discretionary permit, the Hearing Officer may require the applicant to provide up to 10 percent landscaping. Currently, the applicant is requesting a waiver of the landscaping requirement.

- There is adequate parking as required by the County Code.

Section 22.52 of the County Code does not specify parking requirements for gas stations. However, since there is a commercial use on the subject property with the

proposed convenience store, Section 22.52.1100 applies.

The mini-mart is only 315 sq. ft. in size and established prior to current parking standards. However, because the applicant is requiring a discretionary permit, the Hearing Officer may require the applicant to meet current parking standards. Based on the existing use on the property, only one (1) parking space would be required. The applicant's site plan shows three (3) parking spaces and complies with this requirement.

- Outside display is permitted for automobile service stations, limited to automobile accessories and facilities necessary to dispensing petroleum products only.

The conditional use permit will be conditioned to include this requirement.

- Outside storage is permitted on the rear of a lot or parcel of land in the C-3 zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section.

No outside storage is being proposed by the applicant or shown on the site plan.

### **Burden of Proof**

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document.

### **Burden of Proof for Alcoholic Beverage Sales**

Pursuant to Section 22.56.195, Title 22 of the County Code, a Conditional Use Permit is required to authorize the sale of beer and wine at establishments that do not currently, but propose to sell alcoholic beverages, for off-site consumption.

### Section 22.56.195 Findings for the Sale of Alcoholic Beverages

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius.

There is an elementary school, a junior high school, and four churches within the 600 foot radius of the subject site and may adversely affect these uses. ***The applicant's application does not appear to have met this burden of proof requirements.***

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

Behind the gas station/ minimart is a 20' wide open alley beyond which are mostly single-family residences with scatterings of duplex and triplexes. There are no walls or fences between the subject site and the alley. ***The subject property does not appear to be adequately buffered from existing residential uses.***

3. The requested use at the proposed location will not result in an undue concentration of similar premises.

The Department of Alcoholic Beverages (ABC) has reported that an undue concentration of alcoholic beverages sales licenses does exist in the census tract where the subject site is located. Three (3) licenses for off-site consumption are allowed in the census tract and four (4) already exist with one (1) pending. In addition, there is a market right next door to the gas station that sells beer and wine for off-site consumption.

***The information provided by the applicant in his application does not appear to have met the burden of proof requirements.***

4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

The requested use is primarily a gas station with some retail sales. The addition of alcohol sales to the gas station's minimart will not adversely affect the economic

welfare of the nearby community.

5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The immediate vicinity of the subject site contains a mix of older commercial and residential land uses. Although the mini-mart building is a little run-down, and probably requires some exterior paint, the subject use is at the appropriate scale and design for the area.

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined that the subject permit may be categorically exempted from CEQA requirements since the subject gas station/minimart are existing structures.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff contacted the Sheriff's Century Station for comments. The Sheriff's Department indicated that there have been a number of calls made to the department regarding the subject property and that the neighborhood was considered a high crime area. For the last three years, there has been an average of 24 calls a year regarding loitering problems, theft, customer/employee disputes, problems with transients, etc.

### **LEGAL NOTIFICATION/COMMUNITY OUTREACH**

A total of 113 public hearing notices were mailed out to property owners within 500' of the subject property on November 17, 2003 regarding the subject request. The notice was published in the Los Angeles Sentinel on November 20, 2003 and in La Opinion on November 22, 2003. Case-related material, including the hearing notice, factual and burden of proof were sent on November 10, 2003 to Graham Library at 1900 E. Firestone Blvd. in Los Angeles. The hearing notice was posted on the property on December 17, 2003.

### **PUBLIC COMMENTS**

Staff received a phone call from a neighboring resident opposed to beer and wine sales at this location. The resident was concerned that the vicinity already had a number of liquor sales establishments and that the neighborhood was in a high crime area.

Staff also received a letter of opposition from a local resident who felt that another alcohol license would contribute to the already high number of problems and crimes in the community.

### **SITE INVESTIGATION**

During staff's site visit on December 15, 2003, staff verified the land uses in the area and the existing land uses on the property. Staff noted a metal storage container just west of the minimart building that's not depicted on the site plan. In addition, the three parking spaces

shown on the site plan submitted were not striped onto the parking area of the gas station.

### STAFF EVALUATION

Staff contacted the Inglewood office of the Department of Alcoholic Beverages (ABC). The subject property is located within an area where there is an over-concentration of alcoholic beverage licenses and a higher than average crime rate as defined in Rule 61.3, Chapter I, Title 4, of the California Administrative Code. The Department of Alcoholic Beverages is required to deny the request unless the applicant can provide a letter issued by the Governing Body (County of Los Angeles Planning Department) stating that a public convenience or necessity will be served by the issuance of another license in the area. Based on the Department of Alcohol and Beverage Control's statement of over-concentration of alcohol licenses, the Sheriff's Department's comments, the gas station and mini-mart's close vicinity to the four churches and two public schools, the fact that the location is located in a high crime reporting area, and the fact that there is a market right next door that sells beer and wine for off-site consumption, staff concurs that another establishment selling alcohol at this location would constitute an undue concentration of similar premises, and would not serve a public convenience and necessity.

### STAFF RECOMMENDATION

#### Denial

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Prior to taking an action on this case, staff recommends that the Hearing Officer consider:

- If the sale of beer and wine for off-site consumption at the proposed location will have an adverse effect on the sensitive uses in the vicinity (four churches, an elementary school, and a junior high school).
- The Sheriff's comments regarding the number of crime-related calls made concerning the subject property.
- If the use is sufficiently buffered in relation to the residential uses located immediately south of the subject property.
- If a public convenience or necessity will be served by the subject establishment selling beer and wine for off-site consumption.

If the Hearing Officer finds the request **does not** satisfy the conditional use permit and alcoholic beverage sales burden of proof requirements, then staff recommends **denial** of Conditional Use Permit No. 03-260-(2).

Report prepared by Patricia L. Hachiya, Principal Planner

Reviewed by Kerwin Chih, Supervising Regional Planner Zoning Permits II Section

Attachments:

Draft Conditions

Burden of Proof Statement (for Conditional Use Permit and Sale of Beer and Wine)

Public Comments

Photographs

Land Use Radius Map

Site Plan

KC:PH

1-7-04